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STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building – 400 East 14th Street
Des Moines, Iowa 50319-0147

Minutes

June 25, 2004

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STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building – 400 East 14th Street
Des Moines, Iowa 50319-0147

Motions

June 25, 2004

Anita Westerhaus moved, with a second by William Haigh, that the Board go into closed session for the purposes of discussing whether to initiate licensee disciplinary proceedings and discussing the decision to be rendered in a contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f). Roll call vote: Aboud – yes; Carter – yes; Chen – yes; Haigh – yes; Jeffrey – yes; Paulsen – yes; Seeland – yes; Wellborn – yes; Westerhaus – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

Anita Westerhaus moved, with a second by Jacqueline Wellborn, that in **case number 03-11**, the Board table its decision until the July 30, 2004, meeting to allow a written decision to be prepared consistent with the Board's discussion. Roll call vote: Aboud – yes; Carter – yes; Chen – yes; Haigh – yes; Jeffrey – yes; Paulsen – yes; Seeland – yes; Wellborn – yes; Westerhaus – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

Jacqueline Wellborn moved, with a second by Anita Westerhaus, that in **case number 04-10**, the Board acknowledge the local settlement submitted by the parties and withdrawal of the complaint; and dismiss the case without further proceedings. Roll call vote: Westerhaus – yes; Wellborn – yes; Seeland – yes; Paulsen – yes; Jeffrey – yes; Haigh – yes; Chen – yes; Carter – yes; Aboud – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

William Haigh moved, with a second by Anita Westerhaus, that in **case number 03-25**, the Board find probable cause to establish a violation of 282—12.3(1)(d); 13.7(1)(a) and (b); 13.9(1), (2) and (4); 13.12(3), (4) and (8); and 13.13(2) and (3)

1 and order this case set for hearing. Roll call vote: Aboud – yes; Carter – yes;
2 Chen – yes; Haigh – yes; Jeffrey – yes; Paulsen – yes; Seeland – yes; Wellborn –
3 yes; Westerhaus – yes; and Hathaway – yes. **MOTION CARRIED**
4 **UNANIMOUSLY.**

5
6 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
7 **03-26**, the Board find probable cause to establish a violation of 282—13.8(2),
8 (3) and (5); 13.12(3), (4) and (8); 13.9(1), (2), and (4); and 12.3(1)(d) and order
9 this case set for hearing. Roll call vote: Aboud – yes; Carter – yes; Chen – yes;
10 Haigh – yes; Jeffrey – yes; Paulsen – yes; Seeland – yes; Wellborn – yes;
11 Westerhaus – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

12
13 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
14 **03-27**, the Board reject the case based on lack of jurisdiction because the
15 complaint was filed more than three years after the alleged misconduct. Roll
16 call vote: Aboud – yes; Carter – yes; Chen – yes; Haigh – yes; Jeffrey – yes;
17 Paulsen – yes; Seeland – yes; Wellborn – yes; Westerhaus – yes; and Hathaway –
18 yes. **MOTION CARRIED UNANIMOUSLY.**

19
20 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
21 **03-28**, the Board find probable cause to establish a violation of 282—13.7(1)(a)
22 and (b); 13.12(3), (4) and (8); and 13.13(2) and (3) and order this case set for
23 hearing. Roll call vote: Aboud – yes; Carter – yes; Chen – yes; Haigh – yes;
24 Jeffrey – yes; Paulsen – yes; Seeland – yes; Wellborn – yes; Westerhaus – yes;
25 and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

26
27 Jacqueline Wellborn moved, with a second by William Haigh, that in **case**
28 **number 03-30**, the Board find that the evidence gathered in the investigation,
29 including witness statements and the documentary evidence, does not
30 corroborate the allegations in the complaint, and that the Board therefore lacks
31 probable cause to proceed with this matter. Roll call vote: Aboud – yes; Carter
32 – yes; Chen – yes; Haigh – yes; Jeffrey – yes; Paulsen – yes; Seeland – yes;

1 Wellborn – yes; Westerhaus – yes; and Hathaway – yes. **MOTION CARRIED**
2 **UNANIMOUSLY.**

3
4 Anita Westerhaus moved, with a second by Jacqueline Wellborn, that in case
5 number 04-07, the Board find probable cause to establish a violation of 282—
6 12.1(1)(a) and 12.1(2) of the criteria listed for professional practices and
7 competent performance established by this Board and order this case set for
8 hearing. Roll call vote: Aboud – yes; Carter – yes; Chen – yes; Haigh – yes;
9 Jeffrey – yes; Paulsen – yes; Seeland – yes; Wellborn – yes; Westerhaus – yes;
10 and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

11
12 William Haigh moved, with a second by Jacqueline Wellborn, that in case
13 number 04-04, the Board extend the 180-day deadline for issuance of the final
14 decision, based upon delay in investigation due to other ongoing investigations.
15 Roll call vote: Westerhaus – yes; Wellborn – yes; Seeland – yes; Paulsen – yes;
16 Haigh – yes; Chen – yes; Carter – yes; Aboud – yes; and Hathaway – yes.
17 **MOTION CARRIED UNANIMOUSLY.**

18
19 Anita Westerhaus moved, with a second by Jacqueline Wellborn, that in case
20 number 04-05, the Board extend the 180-day deadline for issuance of the final
21 decision, based upon delay in investigation due to other ongoing investigations.
22 Roll call vote: Aboud – yes; Carter – yes; Chen – yes; Haigh – yes; Paulsen – yes;
23 Seeland – yes; Wellborn – yes; Westerhaus – yes; and Hathaway – yes. **MOTION**
24 **CARRIED UNANIMOUSLY.**

25
26 Anita Westerhaus moved, with a second by John Aboud, to approve the May 6,
27 2004, minutes, as distributed. **MOTION CARRIED UNANIMOUSLY.**

28
29 Ying Ying Chen moved, with a second by Brian Carter, to adopt and file the
30 proposed changes to Chapter 14 that would deny a Class E license to an
31 individual who has made no progress during the term of a Class A, B, C, or D
32 (conditional) license, unless extenuating circumstances are verified. Roll call
33 vote: Aboud – yes; Carter – yes; Chen – yes; Haigh – yes; Jeffrey – yes;

1 Paulsen – yes; Seeland – yes; Wellborn – yes; Westerhaus – yes; and Hathaway –
2 yes. **MOTION CARRIED UNANIMOUSLY.**

3
4 William Haigh moved, with a second by Anita Westerhaus, to replace the phrase
5 “sexual orientation” with the phrase “membership in a definable minority” in
6 the prohibited discriminatory practices rules in Chapters 25 and 26. Roll call
7 vote: Aboud – yes; Carter – no; Chen – yes; Haigh – yes; Jeffrey – yes; Paulsen –
8 yes; Seeland – no; Wellborn – yes; Westerhaus – yes; and Hathaway – yes.

9 **MOTION CARRIED.**

10
11 John Aboud moved, with a second by Thomas Paulsen, to adopt and file the
12 revised administrative rules of professional conduct and ethics contained in the
13 new Chapter 25 and the code of rights and responsibilities contained in the new
14 Chapter 26, as amended. Roll call vote: Westerhaus – yes; Wellborn – yes;
15 Seeland – yes; Paulsen – yes; Jeffrey – yes; Haigh – yes; Chen – yes; Carter –
16 yes; Aboud – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

17
18 John Aboud moved, with a second by Anita Westerhaus, to file under Notice of
19 Intended Action, the proposed changes in rules to the school social worker
20 endorsement, essentially an update, which would reflect modifications in
21 licensure rules of the Board of Social Work within the Department of Public
22 Health. Roll call vote: Aboud – yes; Carter – yes; Chen – yes; Haigh – yes;
23 Jeffrey – yes; Paulsen – yes; Seeland – yes; Wellborn – yes; Westerhaus – yes;
24 and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

25
26 John Aboud moved, with a second by Jean Seeland, to file under Notice of
27 Intended Action, the proposed changes in rules for the special education
28 consultant, with a change in service from “age 5 to 21” to “birth to 21” and
29 elimination of references to early childhood special education programs. Roll
30 call vote: Westerhaus – yes; Wellborn – yes; Seeland – yes; Paulsen – yes;
31 Jeffrey – yes; Haigh – yes; Chen – yes; Carter – yes; Aboud – yes; and Hathaway
32 – yes. **MOTION CARRIED UNANIMOUSLY.**

1 John Aboud moved, with a second by Jean Seeland, to file under Notice of
2 Intended Action, the proposed changes in rules for the director of special
3 education endorsement. Roll call vote: Aboud – yes; Carter – yes; Chen – yes;
4 Haigh – yes; Jeffrey – yes; Paulsen – yes; Seeland – yes; Wellborn – yes;
5 Westerhaus – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

6
7 John Aboud moved, with a second by Ying Ying Chen, to file under Notice of
8 Intended Action, the proposed changes to the licensure requirements for
9 teaching mathematics at the secondary level, wherein the suggested rules
10 clarify existing requirements, in particular the level of certain courses, so that
11 every high school mathematics teacher would be mathematically prepared to
12 teach. Roll call vote: Westerhaus – yes; Wellborn – yes; Seeland – yes; Paulsen
13 – yes; Jeffrey – yes; Haigh – yes; Chen – yes; Carter – yes; Aboud – yes; and
14 Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

15
16 William Haigh moved, with a second by Anita Westerhaus, that in case number
17 APP 04-01, Jesse Henderson, the Board not initiate review of the proposed
18 decision and allow the proposed decision to become the final decision of the
19 Board unless an appeal is taken by one of the parties within the time allowed
20 by rule. Roll call vote: Aboud – yes; Carter – yes; Chen – yes; Haigh – yes;
21 Jeffrey – yes; Paulsen – yes; Seeland – yes; Wellborn – yes; Westerhaus – yes;
22 and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

23
24 Thomas Paulsen moved, with a second by John Aboud, that in case number
25 APP 04-03, Sheldon Ploeger, the Board not initiate review of the proposed
26 decision and allow the proposed decision to become the final decision of the
27 Board unless an appeal is taken by one of the parties within the time allowed
28 by rule. Roll call vote: Westerhaus – yes; Wellborn – yes; Seeland – no; Paulsen
29 – yes; Jeffrey – yes; Haigh – yes; Chen – yes; Carter – yes; Aboud – yes; and
30 Hathaway – yes. **MOTION CARRIED.**

31
32 Jacqueline Wellborn moved, with a second by Ying Ying Chen, that in PFW
33 04-17, Becky Pardonek, the Board grant the petition in part, i.e., waiver of the

1 practicum, and deny in part, i.e., waiver of the course work requirements, for
2 the pre-kindergarten through grade three, including special education
3 endorsement. Roll call vote: Aboud – yes; Carter – yes; Chen – yes; Haigh –
4 yes; Jeffrey – yes; Seeland – yes; Wellborn – yes; Westerhaus – yes; and
5 Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

6
7 Brian Carter moved, with a second by Jean Seeland, that **in PFW**
8 **04-09**, Adam Pickering, the Board grant the Petition for Waiver. Roll call vote:
9 Westerhaus – yes; Wellborn – yes; Seeland – yes; Jeffrey – yes; Haigh – yes;
10 Chen – yes; Carter – yes; Aboud – yes; and Hathaway – yes. **MOTION**
11 **CARRIED UNANIMOUSLY.**

12
13 Jean Seeland moved, with a second by Jacqueline Wellborn, that **in PFW**
14 **04-10**, Robin Argo, the Board deny the Petition for Waiver. **MOTION CARRIED**
15 **UNANIMOUSLY.**

16
17 John Aboud moved, with a second by Judy Jeffrey, that **in PFW 04-11**, Sarah
18 Knudsen, the Board grant in part the Petition for Waiver, i.e., waiver of the
19 practicum and methods course, and deny in part the Petition for Waiver, i.e.,
20 waiver of the provisions which require applicants for the K-12 supervisor
21 special education instructional and director of special education endorsements
22 to hold at least one special education teaching endorsement at two different
23 grade levels. **MOTION CARRIED UNANIMOUSLY.**

24
25 Judy Jeffrey moved, with a second by Jean Seeland, that **in PFW 04-12**, Alice
26 Eilenstine, the Board grant the Petition for Waiver. **MOTION CARRIED**
27 **UNANIMOUSLY.**

28
29 Jacqueline Wellborn moved, with a second by Ying Ying Chen, that **in PFW**
30 **04-13**, Doug Penno, the Board deny the Petition for Waiver. **MOTION**
31 **CARRIED UNANIMOUSLY.**

1 Jacqueline Wellborn, that **PFW 04-14**, Robin Garrington, the Board grant the
2 Petition for Waiver. **MOTION CARRIED UNANIMOUSLY.**

3
4 John Aboud moved, with a second by Brian Carter, that **PFW 04-15**, Jeffrey
5 Hughes, the Board grant the Petition for Wavier. **MOTION CARRIED**
6 **UNANIMOUSLY.**

7
8 Brian Carter moved, with a second by John Aboud, that **in PFW 04-16**, Scott
9 Fruehling, the Board deny the Petition for Wavier. **MOTION CARRIED**
10 **UNANIMOUSLY.**

11
12 John Aboud moved, with a second by Anita Westerhaus, that **in PFW 04-18**,
13 Madelyn Tursi, the Board deny the Petition for Waiver. **MOTION CARRIED**
14 **UNANIMOUSLY.**

15
16 John Aboud moved, with a second by Anita Westerhaus, that the board approve
17 ISEA's application to be a licensure renewal program provider. **MOTION**
18 **CARRIED UNANIMOUSLY.**

1 **STATE OF IOWA**
2 **BOARD OF EDUCATIONAL EXAMINERS**
3 **Grimes State Office Building – 400 East 14th Street**
4 **Des Moines, Iowa 50319-0147**

5
6 **Minutes**
7 **June 25, 2004**
8

9 The Board of Educational Examiners held its monthly meeting on June 25,
10 2004, at Prairie Ridge Elementary School in Cedar Rapids, at the invitation of
11 principal and Board Member Ying Ying Chen. Board Chair Peter Hathaway
12 called the meeting to order at 9:02 a.m. Members attending were John Aboud,
13 Brian Carter, Ying Ying Chen, William Haigh, Peter Hathaway, Judy Jeffrey,
14 Thomas Paulsen, Jean Seeland, Jacqueline Wellborn and Anita Westerhaus.
15 Also in attendance were Dr. Anne Kruse, Executive Director of the Board;
16 Christie Scase, Assistant Attorney General and legal counsel to the Board;
17 Barbara Hendrickson, Board Secretary; and other visitors. Board Member Greg
18 Robinson and Assistant Attorney General and legal counsel to the Board Jeanie
19 Vaudt were unable to attend the meeting. Mr. Paulsen left at 3 p.m.

20
21 First on the agenda were oral arguments by legal counsel in Case #03-11.
22 James L. Sayre presented on behalf of complainants Rod and Rhonda Peyton,
23 and Matthew G. Novak presented on behalf of respondent Becky Steele.

24
25 Anita Westerhaus moved, with a second by William Haigh, that the Board go
26 into closed session for the purposes of discussing whether to initiate licensee
27 disciplinary proceedings and discussing the decision to be rendered in a
28 contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f). Roll
29 call vote: Aboud – yes; Carter – yes; Chen – yes; Haigh – yes; Jeffrey – yes;
30 Paulsen – yes; Seeland – yes; Wellborn – yes; Westerhaus – yes; and Hathaway –
31 yes. **MOTION CARRIED UNANIMOUSLY.**

1 The Board reconvened into open session at 11:03 a.m.

2
3 Anita Westerhaus moved, with a second by Jacqueline Wellborn, that in **case**
4 **number 03-11**, the Board table its decision until the July 30, 2004, meeting to
5 allow a written decision to be prepared consistent with the Board's discussion.
6 Roll call vote: Aboud – yes; Carter – yes; Chen – yes; Haigh – yes; Jeffrey – yes;
7 Paulsen – yes; Seeland – yes; Wellborn – yes; Westerhaus – yes; and Hathaway –
8 yes. **MOTION CARRIED UNANIMOUSLY.**

9
10 Jacqueline Wellborn moved, with a second by Anita Westerhaus, that in **case**
11 **number 04-10**, the Board acknowledge the local settlement submitted by the
12 parties and withdrawal of the complaint; and dismiss the case without further
13 proceedings. Roll call vote: Westerhaus – yes; Wellborn – yes; Seeland – yes;
14 Paulsen – yes; Jeffrey – yes; Haigh – yes; Chen – yes; Carter – yes; Aboud – yes;
15 and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

16
17 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
18 **03-25**, the Board find probable cause to establish a violation of 282—12.3(1)(d);
19 13.7(1)(a) and (b); 13.9(1), (2) and (4); 13.12(3), (4) and (8); and 13.13(2) and (3)
20 and order this case set for hearing. Roll call vote: Aboud – yes; Carter – yes;
21 Chen – yes; Haigh – yes; Jeffrey – yes; Paulsen – yes; Seeland – yes; Wellborn –
22 yes; Westerhaus – yes; and Hathaway – yes. **MOTION CARRIED**
23 **UNANIMOUSLY.**

24
25 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
26 **03-26**, the Board find probable cause to establish a violation of 282—13.8(2),
27 (3) and (5); 13.12(3), (4) and (8); 13.9(1), (2), and (4); and 12.3(1)(d) and order
28 this case set for hearing. Roll call vote: Aboud – yes; Carter – yes; Chen – yes;
29 Haigh – yes; Jeffrey – yes; Paulsen – yes; Seeland – yes; Wellborn – yes;
30 Westerhaus – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

31
32 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
33 **03-27**, the Board reject the case based on lack of jurisdiction because the

1 complaint was filed more than three years after the alleged misconduct. Roll
2 call vote: Aboud – yes; Carter – yes; Chen – yes; Haigh – yes; Jeffrey – yes;
3 Paulsen – yes; Seeland – yes; Wellborn – yes; Westerhaus – yes; and Hathaway –
4 yes. **MOTION CARRIED UNANIMOUSLY.**

5
6 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
7 **03-28**, the Board find probable cause to establish a violation of 282—13.7(1)(a)
8 and (b); 13.12(3), (4) and (8); and 13.13(2) and (3) and order this case set for
9 hearing. Roll call vote: Aboud – yes; Carter – yes; Chen – yes; Haigh – yes;
10 Jeffrey – yes; Paulsen – yes; Seeland – yes; Wellborn – yes; Westerhaus – yes;
11 and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

12
13 Jacqueline Wellborn moved, with a second by William Haigh, that in **case**
14 **number 03-30**, the Board find that the evidence gathered in the investigation,
15 including witness statements and the documentary evidence, does not
16 corroborate the allegations in the complaint, and that the Board therefore lacks
17 probable cause to proceed with this matter. Roll call vote: Aboud – yes; Carter
18 – yes; Chen – yes; Haigh – yes; Jeffrey – yes; Paulsen – yes; Seeland – yes;
19 Wellborn – yes; Westerhaus – yes; and Hathaway – yes. **MOTION CARRIED**
20 **UNANIMOUSLY.**

21
22 Anita Westerhaus moved, with a second by Jacqueline Wellborn, that in **case**
23 **number 04-07**, the Board find probable cause to establish a violation of 282—
24 12.1(1)(a) and 12.1(2) of the criteria listed for professional practices and
25 competent performance established by this Board and order this case set for
26 hearing. Roll call vote: Aboud – yes; Carter – yes; Chen – yes; Haigh – yes;
27 Jeffrey – yes; Paulsen – yes; Seeland – yes; Wellborn – yes; Westerhaus – yes;
28 and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

29
30 Board Member Judy Jeffrey stepped out of the room on business and did not
31 vote on the next two motions.

1 William Haigh moved, with a second by Jacqueline Wellborn, that in case
2 number 04-04, the Board extend the 180-day deadline for issuance of the final
3 decision, based upon delay in investigation due to other ongoing investigations.
4 Roll call vote: Westerhaus – yes; Wellborn – yes; Seeland – yes; Paulsen – yes;
5 Haigh – yes; Chen – yes; Carter – yes; Aboud – yes; and Hathaway – yes.
6 **MOTION CARRIED UNANIMOUSLY.**

7
8 Anita Westerhaus moved, with a second by Jacqueline Wellborn, that in case
9 number 04-05, the Board extend the 180-day deadline for issuance of the final
10 decision, based upon delay in investigation due to other ongoing investigations.
11 Roll call vote: Aboud – yes; Carter – yes; Chen – yes; Haigh – yes; Paulsen – yes;
12 Seeland – yes; Wellborn – yes; Westerhaus – yes; and Hathaway – yes. **MOTION**
13 **CARRIED UNANIMOUSLY.**

14
15 Anita Westerhaus moved, with a second by John Aboud, to approve the May 6,
16 2004, minutes, as distributed. **MOTION CARRIED UNANIMOUSLY.**

17
18 The Board congratulated and applauded member John Aboud for receipt of the
19 Iowa Bandmasters Association top award, the Karl L. King Service Award.

20
21 Board Chair Peter Hathaway asked if there were any public comments. There
22 were none.

23
24 Executive Director Dr. Anne Kruse thanked Board Secretary Barbara
25 Hendrickson and Board Member Ying Ying Chen for their preparations for the
26 board meeting and for the Board direction advisory dinner session the evening
27 before. She then directed the Board to a draft of a position statement regarding
28 teacher testing as a condition of licensure. The Board suggested a few changes,
29 and Dr. Kruse will present a revised draft at the July board meeting.

30
31 Board Chair Peter Hathaway expressed appreciation to Executive Director Dr.
32 Anne Kruse for her preparations for the Board direction advisory dinner session
33 held the evening before. The gathering was especially meaningful and powerful

1 as it drew upon the background and history of the Board through documents
2 and narrative. In light of Dr. Kruse's resignation, Mr. Hathaway then said that
3 the Board would recognize Dr. Kruse's service and contributions to the Board
4 on the evening before the July board meeting. Next he brought board members
5 up-to-date on the activities of the search committee, which consists of Anita
6 Westerhaus and Executive Subcommittee members Peter Hathaway, Brian
7 Carter and Thomas Paulsen. Fourteen persons have applied for the Executive
8 Director position, and the search committee is pleased with the caliber of the
9 candidates. Further details were not made available pending notification to
10 interviewees. July 14 will be the date of candidate interviews by board
11 members.

12
13 The Board next considered several sets of rules. Ying Ying Chen moved, with a
14 second by Brian Carter, to adopt and file the proposed changes to Chapter 14
15 that would deny a Class E license to an individual who has made no progress
16 during the term of a Class A, B, C, or D (conditional) license, unless
17 extenuating circumstances are verified. Roll call vote: Aboud – yes; Carter –
18 yes; Chen – yes; Haigh – yes; Jeffrey – yes; Paulsen – yes; Seeland – yes;
19 Wellborn – yes; Westerhaus – yes; and Hathaway – yes. **MOTION CARRIED**
20 **UNANIMOUSLY.**

21
22 The Board began discussion of additional proposed changes to Chapter 25,
23 Code of Professional Conduct and Ethics, and then, after lunch, to Chapter 26,
24 Code of Rights and Responsibilities, as well, based on feedback from the School
25 Administrators of Iowa, the Iowa State Education Association and the
26 Governor's office staff.

27
28 The Board recessed for lunch at 11:58 a.m. and reconvened at 1:26 p.m.

29
30 In Chapter 25, the Board agreed to align the administrative rules regarding
31 criminal convictions of Iowa Code section 272.2.14 with the date of enactment,
32 which was July 1, 2002. Grammar, punctuation, and editorial changes were
33 made in both Chapters 25 and 26. The Board was apprised of some

1 objection to the phrase “sexual orientation” with respect to each chapter’s
2 prohibition of discriminatory practices, although this came neither from the
3 Board nor from stakeholders. Assistant Attorney General and legal counsel to
4 the Board Christie Scase described the options available to the Administrative
5 Rules Review Committee and then suggested use of the term “membership in a
6 definable minority” because courts, including the federal district court in Iowa,
7 have held that the United States Constitution’s equal protection clause
8 prohibits discrimination based upon membership in a definable minority.
9 Board Member Judy Jeffrey added that the Department of Education, in
10 conjunction with the Iowa Association of School Boards, will release a model
11 policy in August for local school districts to voluntarily include sexual
12 orientation on a student-to-student basis in guidelines at the local level. Board
13 members wrestled considerably with the decision on the choice of words.
14 William Haigh moved, with a second by Anita Westerhaus, to replace the phrase
15 “sexual orientation” with the phrase “membership in a definable minority” in
16 the prohibited discriminatory practices rules in Chapters 25 and 26. Roll call
17 vote: Aboud – yes; Carter – no; Chen – yes; Haigh – yes; Jeffrey – yes; Paulsen –
18 yes; Seeland – no; Wellborn – yes; Westerhaus – yes; and Hathaway – yes.

19 **MOTION CARRIED.**

20
21 John Aboud moved, with a second by Thomas Paulsen, to adopt and file the
22 revised administrative rules of professional conduct and ethics contained in the
23 new Chapter 25 and the code of rights and responsibilities contained in the new
24 Chapter 26, as amended. Roll call vote: Westerhaus – yes; Wellborn – yes;
25 Seeland – yes; Paulsen – yes; Jeffrey – yes; Haigh – yes; Chen – yes; Carter –
26 yes; Aboud – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

27
28 The Board next considered revisions to selected special education
29 endorsements, with little or no discussion. John Aboud moved, with a second
30 by Anita Westerhaus, to file under Notice of Intended Action, the proposed
31 changes in rules to the school social worker endorsement, essentially an
32 update, which would reflect modifications in licensure rules of the Board of
33 Social Work within the Department of Public Health. Roll call vote:

1 Aboud – yes; Carter – yes; Chen – yes; Haigh – yes; Jeffrey – yes; Paulsen – yes;
2 Seeland – yes; Wellborn – yes; Westerhaus – yes; and Hathaway – yes. **MOTION**
3 **CARRIED UNANIMOUSLY.**

4
5 John Aboud moved, with a second by Jean Seeland, to file under Notice of
6 Intended Action, the proposed changes in rules for the special education
7 consultant, with a change in service from “age 5 to 21” to “birth to 21” and
8 elimination of references to early childhood special education programs. Roll
9 call vote: Westerhaus – yes; Wellborn – yes; Seeland – yes; Paulsen – yes;
10 Jeffrey – yes; Haigh – yes; Chen – yes; Carter – yes; Aboud – yes; and Hathaway
11 – yes. **MOTION CARRIED UNANIMOUSLY.**

12
13 John Aboud moved, with a second by Jean Seeland, to file under Notice of
14 Intended Action, the proposed changes in rules for the director of special
15 education endorsement. Roll call vote: Aboud – yes; Carter – yes; Chen – yes;
16 Haigh – yes; Jeffrey – yes; Paulsen – yes; Seeland – yes; Wellborn – yes;
17 Westerhaus – yes; and Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

18
19 John Aboud moved, with a second by Ying Ying Chen, to file under Notice of
20 Intended Action, the proposed changes to the licensure requirements for
21 teaching mathematics at the secondary level, wherein the suggested rules
22 clarify existing requirements, in particular the level of certain courses, so that
23 every high school mathematics teacher would be mathematically prepared to
24 teach. Roll call vote: Westerhaus – yes; Wellborn – yes; Seeland – yes; Paulsen
25 – yes; Jeffrey – yes; Haigh – yes; Chen – yes; Carter – yes; Aboud – yes; and
26 Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

27
28 The Board recessed from 2:35 p.m. to 2:43 p.m.

29
30 The Board next reviewed two licensure appeal cases. Neither Executive Director
31 Dr. Anne Kruse, who had denied each applicant a coaching authorization, nor
32 Assistant Attorney General and legal counsel to the Board Christie Scase, who
33 had prosecuted the cases, advised the Board in its decision. William Haigh

1 moved, with a second by Anita Westerhaus, that in **case number APP 04-01**,
2 Jesse Henderson, the Board not initiate review of the proposed decision and
3 allow the proposed decision to become the final decision of the Board unless an
4 appeal is taken by one of the parties within the time allowed by rule. Roll call
5 vote: Aboud – yes; Carter – yes; Chen – yes; Haigh – yes; Jeffrey – yes; Paulsen
6 – yes; Seeland – yes; Wellborn – yes; Westerhaus – yes; and Hathaway – yes.
7 **MOTION CARRIED UNANIMOUSLY.**

8
9 Thomas Paulsen moved, with a second by John Aboud, that in **case number**
10 **APP 04-03**, Sheldon Ploeger, the Board not initiate review of the proposed
11 decision and allow the proposed decision to become the final decision of the
12 Board unless an appeal is taken by one of the parties within the time allowed
13 by rule. Roll call vote: Westerhaus – yes; Wellborn – yes; Seeland – no; Paulsen
14 – yes; Jeffrey – yes; Haigh – yes; Chen – yes; Carter – yes; Aboud – yes; and
15 Hathaway – yes. **MOTION CARRIED.**

16
17 The Board next considered a series of Petitions for Wavier. Due to the request
18 of a petitioner who attended the board meeting, the Board first addressed her
19 request for a wavier. Becky Pardonek filed a petition to waive the additional
20 course work required for her to obtain the pre-kindergarten through grade
21 three, including special education endorsement. She holds a Master's degree
22 and a permanent professional certificate with the endorsements for the general
23 elementary classroom, prekindergarten-kindergarten, and elementary behavior
24 disorders. She has taught as a long-term substitute in an early childhood
25 special education center for the majority of the past two years. A program of
26 study prepared by Dr. Donna Raschke of the University of Northern Iowa, which
27 accompanied the petition, indicated that Ms. Pardonek would need to complete
28 three additional courses and two practicums in order for the University to
29 recommend her for the endorsement desired. The Board found that, given Ms.
30 Pardonek's prior work experience, she need not complete the required
31 practicums. She is eligible to obtain a Class C conditional license for a term up
32 to three years. If she does so, she may be employed in a position requiring the
33 desired endorsement while she completes necessary additional course work.

1 Jacqueline Wellborn moved, with a second by Ying Ying Chen, that **in PFW**
2 **04-17**, Becky Pardonek, the Board grant the petition in part, i.e., waiver of the
3 practicums, and deny in part, i.e., waiver of the course work requirements, for
4 the pre-kindergarten through grade three, including special education
5 endorsement. Roll call vote: Aboud – yes; Carter – yes; Chen – yes; Haigh –
6 yes; Jeffrey – yes; Seeland – yes; Wellborn – yes; Westerhaus – yes; and
7 Hathaway – yes. **MOTION CARRIED UNANIMOUSLY.**

8
9 Adam Pickering requested a waiver of the requirement for completion of the
10 final three-hour course currently required for the driver and safety education
11 endorsement prior to recent amendment of board rules. He holds a standard
12 license with endorsements for the general classroom and elementary behavior
13 disorders and a Class C two-year conditional license for driver safety education.
14 He has completed 12 credit hours of course work toward the driver and safety
15 education endorsement, including Behind the Wheel, Driver Safety and
16 Substance Abuse. Effective August 1, 2004, an amendment to board rules will
17 reduce the required course work for this endorsement from 15 hours to 9
18 hours. Brian Carter moved, with a second by Jean Seeland, that **in PFW**
19 **04-09**, Adam Pickering, the Board grant the Petition for Waiver. Roll call vote:
20 Westerhaus – yes; Wellborn – yes; Seeland – yes; Jeffrey – yes; Haigh – yes;
21 Chen – yes; Carter – yes; Aboud – yes; and Hathaway – yes. **MOTION**
22 **CARRIED UNANIMOUSLY.**

23
24 Robin Argo asked to waive the requirement for completion of 24 semester hours
25 in industrial technology course work prior to issuance of a 7-12 industrial
26 technology endorsement. He holds a standard license with endorsements for
27 coaching, American history and psychology and a Class B two-year conditional
28 license for all social studies, which is valid from 2001–2004. He held a Class B
29 two-year conditional license for industrial technology from 1999-2002. He
30 requested the waiver based upon his 21 years of experience as a member of the
31 Naval Construction Force (SeeBees) and asked that the waiver remain in place
32 through February 2007 (the date of expiration of his current license) or until he
33 completes the required course work. Mr. Argo held a Class B two-year

1 conditional for industrial technology from 1999-2002 and has had several years
2 during which he could have completed significant portions of the course work
3 required for this endorsement. Further, Board staff indicated that Mr. Argo is
4 eligible to receive a Class E one-year extension of his conditional license.
5 During this time he may identify with a college, determine what course credit
6 may be granted based upon his prior education and experience, and make
7 progress toward completion of the required coursework. Jean Seeland moved,
8 with a second by Jacqueline Wellborn, that **in PFW 04-10**, Robin Argo, the
9 Board deny the Petition for Waiver. **MOTION CARRIED UNANIMOUSLY.**

10
11 Sarah Knudsen wanted the Board to waive the requirement that an applicant
12 for the K-12 supervisor special education instructional and director of special
13 education endorsements must hold a special education instructional
14 endorsement for at least two grade levels. She holds a master educator license
15 with the endorsements for the general elementary classroom, elementary
16 English, elementary reading, elementary behavior disorders, elementary
17 learning disabilities, elementary multi-categorical special class with integration
18 and consultant MC-SCI. She also holds a Class C conditional license for K-12
19 supervisor special education instructional and director of special education that
20 expires September 30, 2006. The Petitioner has taught 7-12 methods,
21 supervised practicums of 7-12 instructional programs, and has served middle
22 and high schools as a special education consultant for the past 5 years. She
23 indicated that the methods course that she completed to attain her current
24 licenses was offered for both K-6 and 7-12 credit. The Board believed that Ms.
25 Knudsen's prior academic training and work experience have provided her
26 ample opportunity to master the concepts of secondary special education
27 methods; however, the Board does not find that an undue hardship is
28 established as to the remaining course work that is necessary in order for Ms.
29 Knudsen to obtain a secondary special education endorsement. John Aboud
30 moved, with a second by Judy Jeffrey, that **in PFW 04-11**, Sarah Knudsen, the
31 Board grant in part the Petition for Waiver, i.e., waiver of the practicum and
32 methods course, and deny in part the Petition for Waiver, i.e., waiver of the
33 provisions which require applicants for the K-12 supervisor special education

1 instructional and director of special education endorsements to hold at least
2 one special education teaching endorsement at two different grade levels.

3 **MOTION CARRIED UNANIMOUSLY.**

4
5 Alice Eilenstine requested a waiver of the requirement that an applicant
6 desiring to add an endorsement to an existing license must have completed a
7 methods class appropriate for teaching in the general subject area of the
8 endorsement. She currently holds a standard license with the endorsements
9 for general business and office business. She held a Class B two-year
10 conditional license for economics in 1991-1992 and obtained an extension in
11 2002. She is a high school business teacher who has taught an economics
12 course for over 10 years. Because the economics course will be offered for
13 social studies credit, she must obtain a social studies endorsement in order to
14 continue to teach the course. The Board believed that Ms. Eilenstine's prior
15 academic training and work experience have provided her ample opportunity to
16 master appropriate methods for teaching economics at the high school level.
17 Judy Jeffrey moved, with a second by Jean Seeland, that in PFW 04-12, Alice
18 Eilenstine, the Board grant the Petition for Waiver. **MOTION CARRIED**
19 **UNANIMOUSLY.**

20
21 Doug Penno filed a petition to waive the provision that requires a licensee
22 applying to obtain a supervisor of special education endorsement to complete a
23 course regarding "current issues in special education administration," or the
24 provision that requires an applicant for an endorsement to serve as a director of
25 special education to hold the supervisor of special education endorsement. He
26 holds a permanent professional teaching certificate with endorsements for
27 behavioral disorders consultant, elementary behavioral disorders, instructional
28 strategist for the secondary level, secondary physical education, and secondary
29 physiology. He indicated that he has completed all of the course work
30 necessary for him to qualify for issuance of the a supervisor of special education
31 endorsement, which he needs in order to become eligible for the director of
32 special education endorsement, except a course addressing "current issues in
33 special education administration." Mr. Penno has a Ph.D. in Special Education

1 and three years of special education administrative experience. Board staff
2 noted, however, that he does not hold any administrative endorsement, nor has
3 he held a conditional license in administration. The Board did not believe that
4 the course scheduling conflict presented by Mr. Penno was, in itself, an undue
5 hardship necessitating a waiver. He is eligible, moreover, to obtain a Class C
6 special education conditional license if he needs additional time to complete the
7 course. Jacqueline Wellborn moved, with a second by Ying Ying Chen, that **in**
8 **PFW 04-13**, Doug Penno, the Board deny the Petition for Waiver. **MOTION**
9 **CARRIED UNANIMOUSLY.**

10
11 Robin Garrington wanted a waiver from the requirement that an applicant
12 desiring to add a secondary level endorsement must complete a teaching
13 practicum appropriate for teaching at the level of the new endorsement. She
14 holds a standard license with endorsements for the general elementary
15 classroom, prekindergarten-kindergarten, elementary English, elementary
16 reading, elementary multicategorical and elementary instructional strategist.
17 Desiring to add the 7-12 English endorsement to her license, she will have
18 completed all necessary course work for this endorsement by August of 2004.
19 She has five years experience teaching in an 8th grade language arts class, but
20 has not completed supervised student teaching at the 7-12 level. That could
21 have occurred under the supervision of a practitioner preparation program
22 while she was teaching the 8th grade, but she was not informed of this by
23 university officials. In addition, the Board believed that Ms. Garrington's work
24 experience has provided her ample opportunity to master appropriate methods
25 for teaching at the secondary level. Brian Carter moved, with a second by
26 Jacqueline Wellborn, that **PFW 04-14**, Robin Garrington, the Board grant the
27 Petition for Waiver. **MOTION CARRIED UNANIMOUSLY.**

28
29 Jeffrey Hughes asked to waive the requirement that an applicant desiring to
30 add an endorsement to an existing license must have completed a methods
31 class appropriate for teaching in the general subject area of the endorsement.
32 He holds a standard license with endorsements in English and speech/theater
33 and wanted to add the psychology endorsement. He holds a Master of Science

1 degree in psychology and has taken over 80 hours in undergraduate and
2 graduate psychology courses. He taught social studies to 10th grade students
3 for two years while employed in Missouri and is licensed to teach other
4 secondary level subjects in Iowa. Mr. Hughes earned his undergraduate degree
5 from the University of Nebraska in Kearney. The distance makes it impractical
6 for him to return to his undergraduate institution to complete the requisite
7 methods course. The local practitioner program that he contacted has
8 indicated that he would be required to take a minimum of six credit hours
9 before they would recommend him for the endorsement. Mr. Hughes has been
10 unable to obtain the required course without incurring additional expense for
11 courses not required for the endorsement. John Aboud moved, with a second
12 by Brian Carter, that **PFW 04-15**, Jeffrey Hughes, the Board grant the Petition
13 for Wavier. **MOTION CARRIED UNANIMOUSLY.**

14
15 Scott Fruehling wanted a waiver to allow him to teach a “Personal Law” course
16 offered for social studies credit at the high school level, without his having
17 either an American government or a sociology endorsement, which
18 endorsements were determined to be appropriate for teaching the course,
19 following consultation by the Board licensure consultant and accreditation
20 consultant. Mr. Fruehling holds a standard teaching license with the
21 endorsements for general business and world history. He wanted his training
22 and personal experience as a reserve police officer with City of Cedar Rapids for
23 the past 10 years to enable him to have requirements for the endorsement
24 waived. The Board recognized that Mr. Fruehling may obtain a Class B two-
25 year conditional license. If he does so, he may continue to teach the personal
26 law course during the term of the conditional license, identify with a college
27 which can determine if any of the requirements for the endorsements have been
28 met through his prior training and experience, and complete necessary
29 additional course work. Brian Carter moved, with a second by John Aboud,
30 that **in PFW 04-16**, Scott Fruehling, the Board deny the Petition for Wavier.
31 **MOTION CARRIED UNANIMOUSLY.**

1 Madelyn Tursi asked the Board to waive the 7-12 methods and strategies
2 course required for issuance of a 7-12 multi-categorical resource endorsement.
3 She holds a standard license with a general classroom endorsement and a
4 three-year conditional license with a secondary multi-categorical endorsement.
5 She has three years experience teaching in a 7-12 multi-categorical resource
6 room. The Board found that the Ms. Tursi's in-service training described was
7 not equivalent to the specific course required. John Aboud moved, with a
8 second by Anita Westerhaus, that **in PFW 04-18**, Madelyn Tursi, the Board
9 deny the Petition for Waiver. **MOTION CARRIED UNANIMOUSLY.**

10
11 The Iowa State Education Association (ISEA) submitted an application to
12 become a Licensure Renewal Program. The application met the timelines and
13 criteria established by the Board for initial approval. Executive Director Dr.
14 Anne Kruse recommended that the application be approved for one year, with
15 stated conditions to be met by June 30, 2005. John Aboud moved, with a
16 second by Anita Westerhaus, that the board approve ISEA's application to be a
17 licensure renewal program provider. **MOTION CARRIED UNANIMOUSLY.**

18
19 There was brief discussion of the announcement posted for the position vacancy
20 for Executive Director of the Board of Educational Examiners.

21
22 There being no further business, Board Chair Peter Hathaway adjourned the
23 meeting at 3:34 p.m.